626-577-0124

T-075 P 003/003 F-744

INTERNET FORM NLRB-501 (2-06)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST FMPI OYER

		PORMI EXEMPT BROOK 44 0.3.C 3312	
	DO NOT WRITE IN THIS SPACE		
Case		Date Filed	

CHARGE AGAINST EMPLOYE	R Case	Date Filed
NSTRUCTIONS:		
ile an original with NLRB Regional Director for the region in which the		
	AINST WHOM CHARGE IS BROUGHT	b. Tel. No.
a. Name of Employer		b. Tel. No.
Sanders-Clark & Co. d/b/a McDonalds		c. Cell No.
& McDonalds USA LLC as Joint/Single Employer		
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 2838 Crenshaw Blvd.,	e. Employer Representative	q, e-Mail
Los Angeles, CA 90016	(b) (6), (b) (7)(C)	g
		h Ni bashan andrea
		h. Number of workers employed 60-70
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
Restaurant	Restaurant	
k. The above-named employer has engaged in and is engaging in	unfair labor practices within the meaning of	section 8(a), subsections (1) and (list
subsections)	of the National t	Labor Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization Ac		unfair practices affecting commerce
2. Basis of the Chaige (set forth a clear and concise statement of	the facts constituting the alleged unfair labor	r practices)
Within the past six months, the Employer, b	v and through its managers, s	supervisors and agents, has
interfered with, restrained and coerced emp		
National Labor Relations Act by making three	•	•
, ,	eats regarding employees will	nave engaged in protected,
concerted activity.		
	· · · · · · · · · · · · · · · · · · ·	
3. Full name of party filing charge (if labor organization, give full in Los Angeles Organizing Committee	name, including local name and number)	
4a. Address (Street and number, city, state, and ZIP code)	<u> </u>	4b. Tel. No. (b) (6), (b) (7)(C)
Post Office Box 555065		4c. Cell No.
Los Angeles, CA 90055		
		4d. Fax No.
		4e. e-Mall
5. Full name of national or international labor organization of white	ch it is an affiliate or constituent unit (to be file	led in when charge is filed by a labor
organization)		
		Tel. No.
DECLARATION I declare that I have read the above charge and that the statements a	re true to the best of my knowledge and belief.	626-796-7555
610	,	05500 15000 00 1500
By Eli Na	duris-Weissman, Attorney	Office, If any, Cell No.
·	rint/type name and title or office, if any)	Fax No. 626-577-0124
		020-517-0124
540 Coult Manage 1 - 20 244	5/09/2014	Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

510 South Marengo Ave., Pasadena, CA 91101

95%

(date)

enaduris-weissman@rsglabor.com



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 31 11500 W Olympic Blvd Ste 600 Los Angeles, CA 90064-1753 Agency Website: www.nlrb.gov Telephone: (310)235-7351 Fax: (310)235-7420 Download NLRB Mobile App

May 13, 2014

(b) (6), (b) (7)(C)

Sanders-Clark & Co. d/b/a McDonalds & McDonalds USA LLC as Joint/Single Employer 2838 Crenshaw Blvd Los Angeles, CA 90016

Re: Sanders-Clark & Co. d/b/a McDonalds &

McDonalds USA LLC as Joint/Single Employer

Case 31-CA-128490

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney RODOLFO FONG-SANDOVAL whose telephone number is (310)235-6418. If this Board agent is not available, you may contact Regional Attorney BRIAN GEE whose telephone number is (310)235-7145.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Sanders-Clark & Co. d/b/a McDonalds & - 2 - McDonalds USA LLC as Joint/Single Employer
Case 31-CA-128490

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MORI PAM RUBIN Regional Director

Mori Pam Rubin

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011	NATIONAL LABOR REL				
QU	ESTIONNAIRE ON COMME	RCE INFORMATION			
Please read carefully, answer all applicable iter CASE NAME	ms, and return to the NLRB Office. If addi	tional space is required, please add a p	age and identify item number. CASE NUMBER		
Sanders-Clark & Co. d/b/a Mc	Donalds & MaDonalds HS	A I I C as Joint/Single	31-CA-128490		
	Donaids & McDonaids OS	A LLC as Joint/Single	31-CA-120490		
Employer 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in lea	al documents forming entity)			
I. EARCI LEGAL IIILE OF ENTITY (As med with State and of stated in leg	ar documents for ming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] L	LP [] PARTNERSHIP [] SO	LE PROPRIETORSHIP [] OTE	IER (Specify)		
3. IF A CORPORATION or LLC	D. NAME ADDRESS AND BELAT	IONELID (1 - 1) OF	ALL DELATED ENTERIES		
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELAT	ONSHIP (e.g. parent, subsidiary) Or	ALL RELATED ENTITIES		
4. IF AN LLC OR ANY TYPE OF PART	<u>'NERSHIP, FULL NAME AND ADDI</u>	RESS OF ALL MEMBERS OR PAR	RTNERS		
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROP	RIETOR			
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products	handled or manufactured, or nature o	f services performed).		
7. A. PRINCIPAL LOCATION:	B. BRANCH L	OCATIONS:			
8. NUMBER OF PEOPLE PRESENTLY	EMPLOVED				
A. Total:	B. At the address involved in this	matter:			
9. DURING THE MOST RECENT (Chec					,
	rk annronmate box): CALENDAK	VR 2 MONTHS or FISO	CAL VR (FY dates)
				YES	NO
Did you provide services valued in e				YES	NO NO
A. Did you provide services valued in essential services. B. If you answered no to 9A, did you provide services.	excess of \$50,000 directly to custom	ers outside your State? If no, indi	icate actual value.	YES	NO
A. Did you provide services valued in e	excess of \$50,000 directly to custom	ers outside your State? If no, indi	icate actual value.	YES	NO
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

SANDERS-CLARK & CO. D/B/A MCDONALDS
& MCDONALDS USA LLC AS JOINT/SINGLE
EMPLOYER

Charged Party

and

LOS ANGELES ORGANIZING COMMITEE

Charging Party

Case 31-CA-128490

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 13, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Sanders-Clark & Co. d/b/a McDonalds & McDonalds USA LLC as Joint/Single Employer 2838 Crenshaw Blvd Los Angeles, CA 90016

May 13, 2014	Aide Carretero, Designated Agent of NLRB
Date	Name
	/s/ Aide Carretero
	Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 31 11500 W Olympic Blvd Ste 600 Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov Telephone: (310)235-7351 Fax: (310)235-7420

May 13, 2014

Eli Naduris- Weissman, Esq. Rothner, Segall & Greenstone 510 S Marengo Ave Pasadena, CA 91101-3115

Re: Sanders-Clark & Co. d/b/a McDonalds & McDonalds USA LLC as Joint/Single Employer Case 31-CA-128490

Dear Eli Naduris - Weissman:

The charge that you filed in this case on May 09, 2014 has been docketed as case number 31-CA-128490. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney RODOLFO FONG-SANDOVAL whose telephone number is (310)235-6418. If the Board agent is not available, you may contact Regional Attorney BRIAN GEE whose telephone number is (310)235-7145.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Sanders-Clark & Co. d/b/a McDonalds & - 2 - McDonalds USA LLC as Joint/Single Employer
Case 31-CA-128490

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Mori Pam Rubin Regional Director

Mori Pam Rubin

cc: Los Angeles Organizing Commitee Post Office Box 555065 Los Angeles, CA 90055

Rev 02/18/14		NXGE	N Dispo	sition Sheet	Case Due (I	Month): J-1
Case Nam	e: Sanderis- Ua	4- 289- MC	DONALD		ision Date:	
Case Num		128490			nda Minute:	
Board Age	ent: E. Foug	-Sandoval	s	upervisor:	Ce-	Category:
Dodia Age	·····	<u></u>	·	1 - 90145V	sylle	2
Bargaining Status	Existing Contract	None	Organizing Campajgn	Seeking I Contract	nitial	Seeking Succeeding Contract
	the appropriate action ction, please state th		naining al		egation types tha	at apply, as follows:
RD Dete	rmination			M=Merit; X=N	lo merit; D =Defe	er, A =Advice
Withdra	wal ,	Forward with recor	nmendation	W=withdrawn	not adjusted; A	=Adjusted
_ Solic		Verbal 🔀 W	ritten			•
Reason for V	Charging and Charging (Regional Office Rer	al ed Party have resolved th	e dispute alle		ns.	
Advice Is	suance Action	Forward with draft		√= allegation ty Check advice	pe submitted to A type on back	dvice
Complain	t Issuance	Forward with draft	complaint	√= allegation ty	pe in Complaint	
Deferral/A	Abeyance Issuance	Forward with draft	letter	C=Collyer; D=D	oubo; A =Abeyance	9
Dismissa	Issuance	Forward with draft	letter	D=Dismissed;	A=Adjusted w/ Re	medies Sheet attached
Were the re in perso On refusal reasons for No. I Was the of	rit Dismissal easons for proposed dismiss n, by phone or _ to withdraw, was the CP dismissal would be included f not, why not? fer of a summary report in de at the Charged Party would	_ in writing. or Atty informed, pure d in the dismissal letter i smissal letter rejected b	suant to outs unless CP or y CP or _	standing instructions, the Atty specifically stated	at a summary report no such report was	t setting forth the desired? Yes
Settleme	nt Approval	Forward with draft	settlement	Formal. √= alle	egation type in Se	ttlement
Forma		n-Board		Informal: B = B	ilateral, U=Unilate	eral
	8(a)(1)	o of Donoffe oto)		-1 &- Live Main-90.	8(a)(3)(cont.)	
	tatements (Threats, Promise		1 1	al to Hire Majority al to Reinstate E'ee/Str	ikar (a.a. Laidlaw)	
Denial of A	Activities (Retaliation, Disch	arge, Discipline)	\vdash	own or Relocate/ Subc		
<u> </u>	of supervisor (Parker-Robb (Chevrolet)		Security Related Action		
	ctions (Surveillance, etc)	,		•		
Weingarter	,				8(a)(4)	
Interrogatio	n (including Polling)		Chang	es in Terms and Condi	itions of Employmen	t
Lawsuits			Discha	arge (including Layoff a	nd Refusal to Hire)	
Coercive R			Discip			•
	8(a)(2)			own or Relocate/ Subco		
Assistance			Refus	al to Reinstate Employe		
Domination			Alter E	-ao	8(a)(5)	
Unlawful Re	-	-			argaining (inclig surfa	nce bargaining/direct dealing)
Changes in	8(a)(3) Terms and Conditions of E	mplovment	_	e to Sign Agreement		
	Including Layoff and Refusa			liation/Modification of C	ontract[Sec 8(d)/Un	ilateral Changes]
Discipline	g any and a series of	(<u> </u>	al to Furnish Informatio		
Lockout			Pofus	-lt- December		
└			Neius	al to Recognize		
Retaliatory	Lawsuit			arto Recognize own or Relocate (e.g. F	irst National Maint.)	Subcontract Work

NXGEN Disposition Sheet Page 2

	8(b	o)(1)(A)	8(b)(4)(B)
	Coercion, incl'g Statements and	Violence	Picketing/Handbilling
Ш	Denial of Access		Lawsuits/Grievances
	Discipline (including charges/fine	·	Statements
Ш		l'g Superseniority, denial of access	8(b)(4)(C)
\square		Related (including excessing fees)	Picketing
	Hiring Halls		Lawsuits/Grievances
	Picketing/Strike Actions		Statements
\sqcup	Rules: Coercive		8(b)(4)(D)
	8(b	o)(1)(B)	All allegations
	Fund Contribution Related		8(b)(5)
\vdash	Lawsuits		All allegations
\Box	Other Allegations		8(b)(6)
\vdash	Statements/Threats/Violence		All allegations
ш		(b)(2)	8(b)(7)(A)
	Hiring Hall Related	(6)(2)	All allegations
H	Lawsuits		8(b)(7)(B)
\vdash			All allegations
-	Union Security Related Actions Causing Employer to Discrimina	sto/Potolisto	
			8(b)(7)(C)
		(b)(3)	All allegations
	Refusal to Bargain/Bad Faith or	Surface Bargaining	8(e)
	Failure to Sign Agreement		All Allegations against a Labor Organization
	Refusal to Furnish Information		All Allegations against an Employer
	Repudiation/Modification of Con-	tract	8(g)
	9/h	N(A)(A)	All allegations
		o)(4)(A)	
\vdash	Picketing/Handbilling Lawsuits/Grievances		
	Statements		
L	Statements		
Ch	eck Advice Type		**
	ninal Submission		Method
٠ -	submission as to ALJD		Compliance with 10(k) Board Determination
4	submission as to EAJA Issue		Withdrawal, adjusted
-	submission with New Facts		Dismissal, adjusted
1	ubmission for Reconsideration		Compliance with ALJ Decision
4	ubmission on Remand from Advic	ce	Compliance with Board Decision Compliance with Court Judgment
	ubmission as to Proposed Settlen		Dismissal, not adjusted
,			Compliance with Formal Settlement
If A	pplicable:		Compliance with Informal Settlement
	eck Closing Stage of Case		Transferred
	Timing		Withdrawal, not adjusted
Afte	r ALJ Decision		Without Full Compliance with Board Decision
Afte	r Board Order – Automatic Decisi	ion .	Without Full Compliance with Court Judgment
Aftε	r Board Order – Contested Decisi	ion	Without Full Compliance w/Formal Settlement
After Board Order - Stipulated Decision			Without Full Compliance w/Informal Settlement
	r Complaint, Before Hearing		
	r Consent Court Judgment		120
4	r Contested Court Judgment		On 23-14 date,CP or Atty verbally/n writing withdrew the instant charge. I recommend approval
-{	r Contempt Judgment		withdrew the 'instant charge. I recommend approval
	r Hearing Closed r Hearing Opened, Before Hrg. Cl	loned	•
4	r Supreme Court Judgment	losed	11/2
	10(k) Notice of Hearing		(Poord Agent's signature
-	-Complaint		(Board Agent's signature
	r 10(k) Notice, Before Hearing		(Board Agent's signature 6-25- N√
	xGen file is compl	atad	(Date)
_	••		(Date)
JH€	OT TOPIC designated	Circle all applicable.	NACIAL Almanual was not an arranged a
		Recess Appointments	Withdrawal request approved
		Discharge Organizing Campaign	6-26-14
	nancial Records		
_		Noel Canning	(Date)
_		Fast Food	\bigcap
1 20		Challenges to Acting GC's Authority	
-		/ total Office	Regional Director, Region 31
_ Er	nployer Mandatory Arbitration		

 From:
 Eli Naduris-Weissman

 To:
 Fong Sandoval, Rudy

 Subject:
 31-CA-128490

Date: Tuesday, June 24, 2014 1:21:50 AM

Rudy:

As we discussed on the phone, LA OC will withdraw the above charge.

Thank you

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Eli Naduris-Weissman
Rothner, Segall & Greenstone
510 South Marengo Avenue
Pasadena, California 91101-3115
Tel. (626) 796-7555
Fax (626) 577-0124
enaduris-weissman@rsglabor.com



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June 26, 2014

George S. Howard Jr., Attorney at Law Jones Day 12265 El Camino Real Ste 300 San Diego, CA 92130-4096 Mhairi L. Whitton, Attorney at Law Jones Day 12265 El Camino Real, Suite 300 San Diego, CA 92130

Re: Sanders-Clark & Co. d/b/a McDonalds & McDonalds USA LLC as Joint/Single Employer Case 31-CA-128490

Dear Mr. Howard and Mr. Whitton:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Mori Pam Rubin

Mori Pam Rubin Regional Director

cc: (b) (6), (b) (7)(C)

Sanders-Clark & Co. d/b/a McDonalds & McDonalds USA LLC as Joint/Single Employer 2838 Crenshaw Blvd Los Angeles, CA 90016

Eli Naduris- Weissman, Esq. Rothner, Segall & Greenstone 510 South Marengo Avenue Pasadena, CA 91101-3115

Los Angeles Organizing Committee Post Office Box 555065 Los Angeles, CA 90055